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TRUSTS—RELEASE—MISTAKE OF LAW—RIGHT TO RELIEF.—A beneficiary under a testamentary trust gave a release of claims against the estate in consideration of a void note given by the trustees for future payment. The parties believed the transaction to be valid and no loss to the estate was entailed thereby. Complainant filed a bill to rescind the release and to obtain the money or the part of the trust fund to which he was entitled. *Held*, complainant's right to rescind was not precluded because the mistake was one of law. *Reggio v. Warren* (1911), — Mass. —, 93 N. E. 805.

The general rule is that equity will not relieve against a mistake of law. *Hunt v. Rousmanier*, 8 Wheat. 174; *Euler v. Schroeder*, 112 Md. 155, 70 Atl. 164. But relief is frequently granted in such cases. *Griswold v. Hazard*, 141 U. S. 260; *Burton v. Haden*, 108 Va. 51, 15 L. R. A. (N. S.) 1038, 66 S. E. 736. There does not seem to be any well recognized classification of the exceptions to the general rule. In *Cooper v. Phibbs*, L. R. 2 H. L. 149, 16 L. T. Rep. (N. S.) 678, 15 Wkly Rep. 1049 the court made a distinction between general law and private rights, holding that a mistake as to general law was not relievable but a mistake as to private right might be. The soundness of this distinction has been questioned. *BISPHAM'S EQUITY*, Ed. 5, p. 274. It is held in some of the cases that relief will be granted against a mistake of law but not against ignorance of the law. *Lawrence v. Beaubien*, 2 Bailey 623, 23 Am. Dec. 155. In other cases this distinction is rejected. *Champlin v. Laytin*, 18 Wend. 407. If there is any element of fact the court will seize upon it as sufficient in connection with a mistake of law to justify the granting of relief. *Hollingsworth v. Stone*, 90 Ind. 244; *Blakeman v. Blakeman*, 39 Conn. 320. Relief will be granted where there has been a mistake of law by one party induced by the misrepresentations or undue influence on the part of the other. *Sands v. Sands*, 112 Ill. 225; *Whelen's Appeal*, 70 Pa. St. 410. Also where the arrangement was entered into improvidently or without deliberation relief will be given upon the theory of surprise. *Pusey v. Desbouvrerie*, 3 P. Wms. 315, 24 Eng. Reprint 1081. Again no one will be allowed to enrich himself unjustly at the expense of another by reason of an innocent mistake of law entertained by both parties. *Benson v. Bunting*, 127 Cal. 532, 59 Pac. 991, 78 Am. St. Rep. 81; *Dinwiddie v. Self*, 145 Ill. 290, 305, 33 N. E. 892. Some courts have gone to the extent of holding that if the parties have acted under a common mistake of law and the party injured thereby can be relieved without doing injustice to others equity will afford him redress. *Lawrence County Bank v. Arndt*, 69 Ark. 406, 65 S. W. 1052; *Freichnecht v. Meyer*, 39 N. J. Eq. 551. Although, as said above, the courts lay down the rule emphatically that where both the parties acted in ignorance of the law, with opportunity to inform themselves, equity will not grant relief, still where both parties enter into an agreement basing it upon a mistaken assumption of the law relating to it, the courts with more or less frankness find some means of affording relief. 16 Cyc. 75.

TRUSTS—TRUSTS EX MALIFICO—ESTABLISHMENT.—The testator devised his property to three members of a lodge of which he was a member upon the promise of one of them that they would transfer it to the lodge. They